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41 UNITED STATES DISTRICT COURT
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43 NORTHERN DISTRICT OF CALIFORNIA

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45 FINJAN LLC,
46 Plaintiff,
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48 v.
49 PALO ALTO NETWORKS, INC.,
50 Defendant.

51 Case No. 3:14-CV-04908-JD

52 **DEFENDANT PALO ALTO**
53 **NETWORKS, INC.'S**
54 **STATEMENT REGARDING**
55 **PLAINTIFF FINJAN LLC'S**
56 **ADMINISTRATIVE MOTION TO**
57 **FILE UNDER SEAL (DKT NO.**
58 **178)**

59
60 Courtroom: 11, 19th Floor
61 Judge: Honorable James Donato

1 Pursuant to Civil Local Rule 79-5(f)(3) and Judge Donato's Standing Order for Civil
 2 Cases ¶¶ 29-31, Defendant Palo Alto Networks, Inc. ("PAN") submits this statement regarding
 3 Plaintiff Finjan LLC's ("Finjan") Administrative Motion to File Under Seal,¹ filed on January 13,
 4 2022. (See Dkt. No. 178.)

5 Finjan seeks to seal the entirety of Exhibits Q and U to Finjan's Opposition to PAN's
 6 Motion for Leave to Amend Its Invalidity Contentions ("Opposition"). (*Id.*) Exhibits Q and U
 7 are invalidity claim charts that PAN served on October 6, 2021; together they contain over 1200
 8 pages. (See Dkt. No. 178-3; Dkt. No. 178-5.) Finjan's Opposition cites to 16 pages in total from
 9 the two Exhibits: twelve pages from Exhibit Q and four pages from Exhibit U. (Dkt. No. 179 at
 10 7, 8, 12.)

11 In view of both Judge Hamilton's and Judge Donato's previous orders requiring the
 12 parties to "streamline their further filings for the purpose of judicial economy" (Dkt. No. 146 at 4;
 13 *see* Dkt. No. 177),² PAN requests that the Court consider only the pages of Exhibits Q and U that
 14 Finjan specifically cites to and relies on in its Opposition—instead of Exhibits Q and U in their
 15 entirety.

16 While the entirety of Exhibits Q and U do contain third-party confidential information, the
 17 specific pages that Finjan cites to and relies on do not. They therefore do not need to be sealed
 18 and can be filed publicly. Finjan's Opposition confirms this. The only time that Finjan mentions
 19 Exhibits Q and U in its Opposition are alleged examples of PAN's invalidity claim charts
 20 containing "printed publications" that Finjan previously produced as public. (Dkt. No. 179 at 7,
 21 8, 12.)

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23 ¹ Finjan appears to have incorrectly styled its Administrative Motion. Under Civil Local
 24 Rule 79-5(f) (effective November 1, 2021), "[f]or any document a party ('Filing Party') seeks to
 25 seal because that document has been designated as confidential by another party or non-party (the
 'Designating Party'), the Filing Party must, instead of filing an Administrative Motion to File
 Under Seal, file an Administrative Motion to Consider Whether Another Party's Material Should
 Be Sealed."

26 ² Judge Hamilton previously stated that "the court neither has the time nor the inclination
 27 to read" Finjan's "over 2,000 pages of exhibits[.]" (Dkt. No. 146 at 4.) Judge Donato has
 28 similarly advised the parties that filings "should not require review of hundreds of pages of
 exhibits." (Dkt. No. 177.)

1 Accordingly, PAN requests that the Court consider and publicly file the attached
2 excerpted copies of Exhibits Q and U that contain only the pages that Finjan specifically cites to
3 and relies on in its Opposition—instead of Exhibits Q and U in their entirety. Because the
4 excerpted copies do not contain any confidential information, PAN additionally requests that
5 Finjan’s Administrative Motion to File Under Seal (Dkt. No. 178) be terminated without
6 prejudice.

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Dated: January 20, 2022

MORRISON & FOERSTER LLP

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By: /s/ Diek O. Van Nort
Diek O. Van Nort

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Attorneys for Defendant
PALO ALTO NETWORKS, INC.

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